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*Attorneys for Plaintiffs California Republican Party and
Orange County Republican Party*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA REPUBLICAN PARTY;
CALIFORNIA DEMOCRATIC PARTY;
ORANGE COUNTY REPUBLICAN PARTY;

Plaintiffs,

vs.

FAIR POLITICAL PRACTICES COMMISSION;
LIANE RANDOLPH, in her official capacity;
SHERIDAN DOWNEY II, in his official capacity;
THOMAS KNOX, in his official capacity;
PHILLIP BLAIR, in his official capacity;
PAMELA KARLAN, in her official capacity,

Defendants.

CASE NO.: CIV.S-04-2144 FCD PAN

**STIPULATION FOR JUDGMENT OF
DISMISSAL**

Plaintiffs California Republican Party, California Democratic Party, and Orange County
Republican Party (collectively, "plaintiffs") and defendants California Fair Political Practices
Commission, Liane Randolph, Sheridan Downey III, Thomas Knox, Philip Blair, and Pamela

Karlan (collectively, “defendants”) hereby enter into this Stipulation for Judgment of Dismissal as follows:

Whereas, on October 27, 2004, the Hon. Frank C. Damrell, Jr. entered a preliminary injunction in this matter finding that there were serious questions as to the constitutionality of Government Code sections 84503 and 84506 in light of the Ninth Circuit’s decision in *American Civil Liberties Union of Nevada v. Heller*, 378 F.3d 979 (9th Cir. 2004), addressing on-publication disclosure requirements imposed upon political advertising;

Whereas, on March 21, 2005, the California Fair Political Practices Commission adopted as Commission policy that Government Code sections 84503 and 84506 are unlawful as applied against general purpose committees, based on the *American Civil Liberties Union of Nevada v. Heller* decision, as stated in the attached Resolution;

Whereas, on March 21, 2005, the California Fair Political Practices Commission further resolved not to enforce Government Code sections 84503 and 84506 against general purpose committees as stated in the attached Resolution;

Whereas, on September 1, 2005, the California Fair Political Practices Commission adopted amendments to California Code of Regulations, title 2, section 18450.4, which reflect the foregoing determination that, based upon the *Heller* case, Government Code sections 84503 and 84506 would be unconstitutional if applied to general purpose committees, and which makes those sections inapplicable to such committees; and

Whereas plaintiffs are satisfied that the Commission’s actions are the functional equivalent of declaratory and injunctive relief with respect to the constitutionality of Government Code sections 84503 and 84506 as applied to general purpose committees.

IT IS HEREBY STIPULATED AND AGREED by and between the respective attorneys of record for plaintiffs and defendants that, subject to the Court’s approval, judgment shall immediately be entered in this action as follows:

1. Plaintiffs contend and defendants concede that, based upon the *Heller* case, Government Code sections 84503 and 84506 cannot constitutionally be applied to general purpose committees. Defendants have adopted a regulation that makes it clear that those sections do not apply to such

committees, and cannot be asserted in any action regarding such committees brought by the Fair Political Practices Commission or by a private party.

2. This action is dismissed without prejudice as moot.

3. Plaintiffs are the prevailing parties and are entitled to reasonable attorney fees and costs in the amount of \$ 60,000.00.

Dated: December __2005

OLSON, HAGEL, & FISHBURN, LLP

By: _____
DEBORAH B. CAPLAN
*Attorneys for Plaintiff
California Democratic Party*

Dated: December __2005

BELL, McANDREWS & HILTACHK, LLP

By: _____
CHARLES H. BELL, JR.
*Attorneys for Plaintiffs
California Republican Party and
Orange County Republican Party*

Dated: December __ 2005

BILL LOCKYER
Attorney General of the State of California

By: _____
DOUGLAS J. WOODS
Deputy Attorney General
*Attorneys for Defendants Fair Political Practices
Commission, Liane Randolph, Sheridan Downey III,
Thomas Knox, Philip Blair, Pamela Karlan*

ORDER

The Clerk of Court is directed to enter final judgment according to the terms of the above Stipulation.

IT IS SO ORDERED.

Dated: December 30, 2005

/s/ Frank C. Damrell Jr.
HON. FRANK C. DAMRELL, JR.